



May 2, 2005

Joseph Bevilacqua is charged with perjury, criminal contempt in the dissemination of a surveillance tape and subsequent denial

The United States Attorney today filed an Information charging attorney Joseph A. Bevilacqua with perjury and criminal contempt of court for allegedly disseminating a surveillance tape in violation of a court order and then denying under oath that he had done so.

United States Attorney Robert Clark Corrente and Kenneth W. Kaiser, Special Agent in Charge of the Federal Bureau of Investigation, announced a two-count information. It was filed after Bevilacqua indicated his intention to waive his right to have evidence reviewed by a grand jury.

"The kind of conduct alleged in this Information – perjury and contempt of court – erodes the foundations of our system of justice," U.S. Attorney Corrente said. "Simply put, our courts have enough to do without having to embark on long and expensive proceedings that could have been avoided by obeying the Court's orders and telling the truth."

U.S. Attorney Corrente also announced that Bevilacqua has signed an agreement to plead guilty to both charges – perjury and criminal contempt. No date has been set for a plea hearing.

The Information alleges that, in February 2002, Bevilacqua falsely denied that he had leaked to WJAR-TV reporter Jim Taricani surveillance tapes from the Plunder Dome public corruption investigation. It also alleges that he criminally violated a court order by letting Taricani have the tapes.

In August 2000, Senior U.S. District Court Judge Ronald R. Lagueux issued an order prohibiting dissemination of the tapes to anyone not directly involved in the criminal cases stemming from the surveillance tapes. After WJAR-TV broadcast one of the tapes in February 2001, Chief U.S. District Court Judge Ernest C. Torres appointed a special prosecutor to determine who had violated Judge Lagueux's order.

In December 2004, Judge Torres sentenced Taricani to home confinement for criminal contempt of court after Taricani refused to disclose his source to the special prosecutor, Marc DeSisto. Testifying during the sentencing hearing, Bevilacqua conceded that he had indeed been the source and that, in sworn depositions taken by special prosecutor DeSisto, he had falsely denied being the source.

Following the sentencing hearing, Judge Torres referred the matter of Bevilacqua's conduct to the U.S. Attorney's Office for investigation and prosecution of appropriate charges.

The maximum penalty for perjury is five years in federal prison and a \$250,000 fine. There is no specified penalty for criminal contempt of court. An Information is merely an allegation and, even though an agreement to plead guilty may be on file, a defendant is still presumed innocent unless and until a formal guilty plea is entered or the defendant is proven guilty in court.

Customarily, a defendant who signs a plea agreement is arraigned before a magistrate prior to the scheduling of a formal plea hearing. That arraignment has not been scheduled.

The Information results from an investigation by the FBI. First Assistant U.S. Attorneys Kenneth P. Madden and Assistant U.S. Attorney Peter F. Neronha are prosecuting the case.